



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,120	02/22/2002	James W. Forbes	5699-11-CON	9348

21324 7590 12/17/2004

HAHN LOESER & PARKS, LLP  
One GOJO Plaza  
Suite 300  
AKRON, OH 44311-1076

EXAMINER

JULES, FRANTZ F

ART UNIT	PAPER NUMBER
----------	--------------

3617

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/081,120

Applicant(s)

FORBES, JAMES W.

Examiner

Frantz F. Jules

Art Unit

3617

*My*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 13-21, 24, 28, 29, 32-34, 41-45 and 72-82 is/are allowed.
- 6) ☒ Claim(s) 46-49, 51, 52, 54, 57-61, 63 and 64 is/are rejected.
- 7) ☒ Claim(s) 66-71 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-5 are objected to because of the following informalities:

In claim 1, line 6, the phrase "a first rail car truck" should be replaced by – "a first one of the rail car trucks" to improve the clarity of the claim language.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 46, and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by Chi (US 5,131,548).

Claims 46, and 58

Chi discloses an articulated rail road freight car having releasable couplers mounted at either end thereof said articulated rail road freight car being supported by a plurality of pivotally mounted railcar trucks as shown in fig. 1, each or said pivotally mounted trucks, having spaced apart axles, and said articulated rail road freight car having at least first and second rail car units connected at a cantilevered articulation (10), see fig. 13, through which vertical shear loads are passed between said first and second rail car units.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 47-49, 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chi in view of Saxton et al (US 5,743,192).

Claims 47-49, 51-52

Chi teaches all the limitations of claims 47-49, 51-52 except for an articulated railroad freight car being an auto-rack car with intermediate bridge plates to allow vehicles to be conducted between the railcars. The general concept of providing bridge plates to allow vehicles to be conducted between the railcars of an auto-rack car constituting an articulated railroad freight car is well known in the art as illustrated by Saxton et al which discloses the use of an auto-rack car with intermediate bridge plates to allow vehicles to be conducted between the railcars in an articulated freight car, see fig. 1. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chi to include the use of an auto-rack car with intermediate bridge plates to allow vehicles to be conducted between the railcars in his advantageous articulated railroad freight car as taught by Saxton et al in order to provide a bridge between two adjacent railcars thereby eliminating the need to uncouple the freight car for loading and unloading purposes, maximize the use of the freight car.

Art Unit: 3617

6. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chi in view of Biegel (US 4,826,259).

Claim 54

Regarding using a freight car which is a well car unit as recited in claim 54, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chi to include the use a freight car which is a well car unit in his advantageous system as taught by Biegel, as freight car design is a common and everyday occurrence throughout the articulated railroad car design art and the specific use of a freight car which is a well car unit would have been an obvious matter of design preference depending upon such factors as the weight of the object to be carried by the railroad car, the yield strength of the side walls material; the ordinarily skilled artisan choosing the best stress profile corresponding to a particular loading imposed on the side walls which would most optimize the cost and performance of the device for a particular application at hand, based upon the above noted common design criteria.

7. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chi in view of Bock et al (US 2,865,306).

Claim 57

Chi discloses an articulated railroad freight car comprising two-truck middle and end unit connected at a cantilevered articulation.

Chi discloses all of the features as listed above but does not disclose an articulated railroad freight car comprising a three pack rail road car having a two truck middle unit and

Art Unit: 3617

a pair of single truck end units. The general concept of providing a three pack rail road car having a two truck middle unit and a pair of single truck end units falls within the range of common knowledge and is well known in the art as illustrated by Bock et al which discloses in col 1, lines 20-53 the teaching of designing three-car units with combination of single axel and double axle. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chi to incorporate a pair of single truck end units connected at a cantilevered articulation at each end of his two-truck middle unit in his advantageous articulated rail road freight car as taught by Bock et al in order to reduce the overall weight of the articulated railroad car.

8. Claims 59-61, 63-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chi and Bock et al as applied to claim 57 above, and further in view of Saxton et al (US 5,743,192).

Claims 59-61, 63-64

Chi teaches all the limitations of claims 59-61, 63-64 except for an articulated railroad freight car being an auto-rack car with intermediate bridge plates to alloy vehicles to be conducted between the railcars. The general concept of providing bridge plates to alloy vehicles to be conducted between the railcars of an auto-rack car constituting an articulated railroad freight car is well known in the art as illustrated by Saxton et al which discloses the use of an auto-rack car with intermediate bridge plates to alloy vehicles to be conducted between the railcars in an articulated freight car, see fig. 1. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify

Chi to include the use of an auto-rack car with intermediate bridge plates to allow vehicles to be conducted between the railcars in his advantageous articulated railroad freight car as taught by Saxton et al in order to provide a bridge between two adjacent railcars thereby eliminating the need to uncouple the freight car for loading and unloading purposes, maximize the use of the freight car.

***Allowable Subject Matter***

9. Claims 66-71 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 1-5 are objected for the informalities as listed above, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 6-7, 13-21, 24, 28-29, 32-34, 41-45, 72-82 stand allowable. None of the references of record suggests an articulated railroad car having an articulation connection operable to pass vertical shear load from second rail car unit to first rail car unit, wherein a first rail car truck is located closer to the articulation connection than any other of the rail car trucks in the manner defined in the instant claims 1, 6, 28, 41, and 72.

***Response to Arguments***

11. Applicant's arguments filed 03/17/2004 have been fully considered but they are moot in view of the new grounds of rejection and of the allowance of claims 1-7, 13-21, 24, 28-29, 32-34, 41-45, 72-82.

**Conclusion**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules  
Examiner  
Art Unit 3617

FFJ

May 6, 2004

**FRANTZ F. JULES  
PRIMARY EXAMINER**

